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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,769	01/16/2004	L. Scott Humphries	09710-1209	6307

7590

07/18/2006

WorldCom, Inc.
Technology Law Department
1133 19th Street NW
Washington, DC 20036

EXAMINER

FRANKLIN, RICHARD B

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,769	Applicant(s) HUMPHRIES ET AL.	
	Examiner Richard Franklin	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Fritz Fleming
FRITZ FLEMING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 33 have been examined.

Response to Arguments

2. Applicant's arguments with respect to claims 1 – 33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 32 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 32 and 33 recite the limitation "the protocol" in the preamble of each claim. There is insufficient antecedent basis for this limitation in the claim.

The Examiner has interpreted the limitation to refer to the format of the configuration message.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 3, 8 – 10, 15 – 17, and 32 – 33 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,034,623 (hereinafter Wandel).

As per claims 1, 8, and 15, Wandel teaches a method for configuring telemetry devices over a wireless network (Figure 4 Items 88 and 92, Col 6 Lines 6 – 18), the method comprising transmitting a configuration message (Col 10 Lines 20 – 26 [ART Configuration Command]) over the wireless network to one of the telemetry devices for configuring a programmable input/output (I/O) port (Figure 5 Items 90, 200, 210, 212, Col 10 Lines 20 – 26) of the one telemetry device, wherein the I/O port couples to an object (Figure 4 Items 94, 96, and 98), and the one telemetry device sets parameters relating to the I/O port according to the configuration message (Col 10 Lines 20 – 26); and receiving data corresponding to the I/O port of the one telemetry device for managing a plurality of objects corresponding to the telemetry devices (Col 10 Lines 58 – 62).

As per claims 2, 9, and 16, Wandel also teaches transmitting a control message to the one telemetry device, in response to the control message the one telemetry dev

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ice controlling one of the objects via the I/O port and status of the I/O port (Col 12 Line 61 – Col 13 Line 4).

As per claims 3, 10, and 17, Wandel also teaches wherein a signal received over the I/O port controls operation of the one telemetry device (Col 12 Line 61 – Col 13 Line 4).

As per claims 32 and 33, Wandel also teaches wherein the configuration message includes a field for providing port settings including a port field specifying the I/O port, and a pin setting field for specifying pin settings for the I/O port, wherein the pin setting field specifies information on type of pin and information on configuration of the pin (Col 6 Lines 32 – 64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 – 7, 11 – 14, and 18 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,034,623 (hereinafter Wandel) in view of US Patent Application Publication No. 2005/0071079 (hereinafter Godfrey).

As per claims 4, 11, and 18, Wandel teaches the system as described per claim 1 (see rejection of claim 1 above).

Wandel does not teach wherein the object is an automobile and the signal represents an output of a sensor or a switch of the automobile.

However, Godfrey teaches wherein the object is an automobile Godfrey; Figure 2 Item 101, Paragraph [0033]), and the signal represents an output of a sensor or a switch of the automobile (Godfrey; Paragraph [0019]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Wandel to include the automobile and sensor because doing so allows for controlling, tracking, or finding a vehicle (Godfrey; Paragraph [0031]).

As per claims 5, 12, and 19, Wandel teaches wherein the wireless system is a two-way paging system (Wandel; Col 4 Lines 38 – 55).

Wandel does not teach wherein the wireless system includes a Global Positioning System (GPS) reference network, and the method further comprises receiving a location data request for Assisted-Global Positioning System (A-GPS) data over the wireless network from the one telemetry device; and transmitting the A-GPS data in response to the location data request, wherein the one telemetry device determines the location of the object based upon the A-GPS data.

However, Godfrey teaches wherein the wireless system includes a Global Positioning System (GPS) reference network (Godfrey; Figure 4 Item 405, Paragraphs

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[0043] – [0045]), and the method further comprises receiving a location data request for Assisted-Global Positioning System (A-GPS) data over the wireless network from the one telemetry device; and transmitting the A-GPS data in response to the location data request, wherein the one telemetry device determines the location of the object based upon the A-GPS data (Godfrey; Paragraphs [0042] – [0048]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Wandel to include the GPS reference network because doing so allows for controlling, tracking, or finding a vehicle (Godfrey; Paragraph [0031]).

As per claims 6, 13, and 20, Godfrey also teaches wherein the one telemetry device is configured to determine autonomously the location of the corresponding object (Godfrey; Paragraph [0048]).

As per claims 7, 14, and 21, Wandel teaches the system as described per claim 1 (see rejection of claim 1 above).

Wandel does not teach wherein receiving a message from a client to initiate transmission of the configuration message.

However, Godfrey teaches wherein receiving a message from a client to initiate transmission of the configuration message (Godfrey; Figure 8, Paragraphs [0073] – [0082]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Wandel to include the initiation message because doing so allows for controlling, tracking, or finding a vehicle (Godfrey; Paragraph [0031]).

As per claims 22 and 27, Godfrey teaches a means for communicating with a fleet and asset management system (Godfrey; Figure 2 Item 204) to obtain information about a plurality of objects (Godfrey; Figure 2 [Arrow between Items 200 and 204]); means for receiving a user input (Godfrey; Figure 2 Item 200); and means for transmitting the user input to the fleet and asset management system (Godfrey; Figure 2 [Arrow between Items 200 and 204]);

Godfrey does not teach wherein the fleet and asset management system generates a configuration message based on the user input for transmission over the wireless network, to the one telemetry device for configuring an input/output (I/O) port of the one telemetry device according to a protocol adapted for the two-way paging system, the I/O port being coupled to a corresponding one of the objects, and the one telemetry device setting parameters relating to the I/O port according to the configuration message.

However, Wandel teaches generating a configuration message based on the user input for transmission over the wireless network (Wandel; Figure 4 Item 74, Col 5 Line 63 – Col 6 Line 5), including a two-way paging system (Wandel; Col 4 Lines 37 – 45), to the one telemetry device for configuring an input/output (I/O) port (Wandel;

Figure 4 Item 90) of the one telemetry device according to a protocol adapted for the two-way paging system (Wandel; Col 4 Lines 56 – 63), the I/O port being coupled to a corresponding one of the objects (Wandel; Figure 4 Items 94, 96, and 98), and the one telemetry device setting parameters relating to the I/O port according to the configuration message (Wandel; Figure 4 Item 90, Col 10 Lines 20 – 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Godfrey to include the two-way paging system because doing so allows for highly reliable two way digital data transmission (Wandel; Col 4 Lines 51 – 55).

As per claims 23 and 28, Wandel also teaches transmitting a control message to the one telemetry device, in response to the control message the one telemetry device controlling one of the objects via the I/O port and status of the I/O port (Wandel; Col 12 Line 61 – Col 13 Line 4).

As per claims 24 and 29, Wandel also teaches wherein a signal received over the I/O port controls operation of the one telemetry device (Wandel; Col 12 Line 61 – Col 13 Line 4).

As per claims 25 and 30, Godfrey also teaches wherein the object is an automobile Godfrey; Figure 2 Item 101, Paragraph [0033]), and the signal represents an output of a sensor or a switch of the automobile (Godfrey; Paragraph [0019]).

As per claims 26 and 31, Godfrey also teaches wherein the wireless system includes a Global Positioning System (GPS) reference network (Godfrey; Figure 4 Item 405, Paragraphs [0043] – [0045]), and the method further comprises receiving a location data request for Assisted-Global Positioning System (A-GPS) data over the wireless network from the one telemetry device; and transmitting the A-GPS data in response to the location data request, wherein the one telemetry device determines the location of the object based upon the A-GPS data (Godfrey; Paragraphs [0042] – [0048]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Franklin whose telephone number is (571) 272-0669. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz Fleming can be reached on (571) 272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7/7/2006